

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12577 JLT

\*\*\*\*\*  
CRAIG GOULET, \*  
Plaintiff \*  
 \*  
v. \*  
 \*  
NEW PENN MOTOR EXPRESS, INC., and \*  
TEAMSTERS LOCAL 25, \*  
INTERNATIONAL BROTHERHOOD OF \*  
TEAMSTERS, \*  
Defendants \*  
\*\*\*\*\*

**PLAINTIFF'S OPPOSITION TO DEFENDANT TEAMSTERS LOCAL 25'S**  
**MOTION FOR PROTECTIVE ORDER**

Plaintiff Craig Goulet hereby opposes the Motion for Protective Order filed by defendant Teamsters Local 25. The basis for this Opposition is as follows:

**Background**

1. This is an action under 29 U.S.C. §185 against a labor organization for breach of its duty of fair representation and against an employer for breach of a labor agreement.
2. Plaintiff Craig Goulet is a member of defendant Teamsters Local 25. He was an employee of a trucking company called A.P.A. Transport Corporation when it ceased operations. (Complaint, ¶ 5 - 6, 10-11)
3. In February, 2002, defendant New Penn Motor Express negotiated an agreement with Teamsters Local 25 whereby all employees with seniority at A.P.A. Transport Corporation had

the right to be put on a New Penn Motor Express call list within the area where they were then employed. (Comp. , ¶ 12)

4. Despite being on A.P.A. Transport Corporation's seniority list, New Penn Motor Express never put Goulet on its call list. (Comp., ¶ 14)
5. On April 7, 2003, Goulet filed a grievance with Teamsters Local 25 against New Penn Motor Express. However, on July 28, 2004, the Eastern Region Joint Area Committee rendered a decision in favor of New Penn Motor Express on the basis that Teamsters Local 25 had not docketed the case within thirty (30) days as required. This lawsuit then ensued. (Comp., ¶ 15 -16)

#### Matters Currently In Dispute

6. During discovery Teamsters Local 25 produced an A.P.A. Transport Seniority List for Canton (Massachusetts) dated November, 2001. This Seniority List includes Goulet as No. 22. (Exhibit 1 attached hereto)
7. During discovery New Penn Motor Express produced two documents of interest:
  - a. The first document was a six page fax sent from Teamsters Local 25 to New Penn Motor Express on February 20, 2002. This fax included the A.P.A. Transport Seniority List for Dracut (Massachusetts) and Canton (Massachusetts) with regard to the A.P.A. employees' New Penn terminal preferences. Strangely neither Seniority List for Teamsters Local 25 included Goulet. (Ex. 2)
  - b. The second document is another Seniority List for Canton (Massachusetts) from Teamsters Local 25. It also failed to include Goulet. (Ex. 3)
  - c. On September 8, 2005, Goulet took the deposition of William Carnes, a former

Teamsters Local 25 official who had responsibility for New Penn Motor Express. He did not know who had prepared the Canton seniority list that failed to include Goulet. (Ex. 4)

- d. On October 12, 2005, Goulet took the deposition of Mark Harrington, the former Teamsters Local 25 Business Agent who had responsibility for A.P.A. Transport. He testified that someone at the Teamsters Local 25 office prepared the six page fax sent from Teamsters Local 25 to New Penn Motor Express on February 20, 2002, (which lists failed to include Goulet), but he did not know who had prepared these documents. (Transcript not yet prepared)
8. Given the production of these documents which fail to list Goulet as they should, Goulet is now seeking to determine precisely who within Teamsters Local 25 deleted his name from the Seniority Lists which it forwarded the Lists to New Penn Motor Express and the reasons why. Hence, on September 9, 2005, (the day after he deposed Carnes) Goulet served Teamsters Local 25 with two discovery requests.
  - a. On that date Goulet served Teamsters Local 25 with his Second Set of Interrogatories. This Set included Interrogatory No. 26, which inquired about the creation of the Dracut Seniority List, and Interrogatory No. 27, which inquired about the creation of the Canton Seniority List. (Ex. 5)
  - b. On that same date Goulet served Teamsters Local 25 with a Rule 30(b)(6) Notice of Taking Deposition, again with regard to the preparation of the Dracut Seniority List and the Canton Seniority List. (Ex. 6)
9. On October 7, 2005, Teamsters Local 25 filed its Motion for a Protective Order, seeking to avoid having either to answer the two interrogatory questions inquiring about its creation of

the two seniority lists which did not have Goulet's name on them or to produce a Rule 30(b)(6) witness to answer questions about its creation of the two seniority lists. Teamsters Local 25 argues that the discovery requests are outside the scope of the Court's Order of April 19, 2005, and that the two additional interrogatories (nos. 26 and 27) exceed the number of interrogatories allowed by Rule 33(a). For the following reasons, this Motion should be denied.

### Argument

10. The Rule 30(b)(6) deposition is within the scope of the Court's discovery Order of April 19, 2005. In that Order the Court indicated that the parties may depose 10 named individuals, including Mark Harrington and William Carnes. As it occurs, the parties have deposed only four of the named individuals. And as stated above, both Harrington and Carnes have testified that they did not know who within Teamsters Local 25 created these critical (and incriminating) documents. Therefore the Rule 30(b)(6) deposition is not over and above any number of depositions that the Court has already allowed. And the Rule 30(b)(6) deposition is critical because Harrington and Carnes (two persons designated in Teamsters Local 25's Automatic Disclosures in March, 2005) claim not to know who created these documents.
11. If the Court nevertheless were to deem this fifth deposition to be over and above that allowed by its prior Order, plaintiff hereby requests leave of this Court to take this brief deposition. A Rule 30(b)(6) deposition on the topic of the creation of these two seniority lists is critical. Based upon current discovery it is plaintiff's belief that Teamsters Local 25 in bad faith left his name off of the seniority lists forwarded to New Penn Motor Express and thereby violated its duty of fair representation. Goulet needs to be able to engage in further discovery to affirm

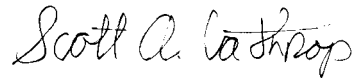
this.

12. Similarly, plaintiff's Second Set of Interrogatories is not beyond the scope of the Court's prior Order. In fact, in its Motion Teamsters Local 25 does not even attempt to argue in what way plaintiff's Second Set of Interrogatories supposedly is beyond the scope of the Court's prior Order. In the Order the Court stated that "Plaintiff may serve the interrogatories discussed in open court." The interrogatories in plaintiff's Second Set of Interrogatories are exactly the kind of interrogatories discussed in open court. In requesting permission of the Court to serve interrogatories, plaintiff specifically requested permission to serve interrogatories that are best served to an organization in order to obtain information that individuals might not have, which is clearly the case here.
13. As to the claim that Interrogatory Nos. 26 and 27 are beyond the number of interrogatories permitted by Rule 33(a), the Court should be apprised that this issue was never previously raised by Teamsters Local 25. In the discussions between the parties prior to Teamsters Local 25 filing its Motion for Protective Order, Teamsters Local 25 only argued that the two interrogatories were not within the scope of this Court's April 19, 2005. (Ex. 7) Therefore Teamsters Local 25, by not first discussing this matter with plaintiff, has waived this objection.
14. If the Court nevertheless were to deem Interrogatory Nos. 26 and 27 beyond the number of interrogatories permitted by Rule 33(a), plaintiff hereby requests leave of this Court to take serve these interrogatories. As stated, based upon current discovery it is plaintiff's belief that Teamsters Local 25 in bad faith left his name off of the seniority lists forwarded to New Penn Motor Express, and Goulet needs to be able to engage in further discovery to affirm this.

**WHEREFORE** Teamsters Local 25's Motion for Protective Order should be denied.

Craig Goulet

By his attorney



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Scott A. Lathrop, Esq.  
Scott A. Lathrop & Associates  
122 Old Ayer Road  
Groton, MA 01450  
(978) 448-8234  
BBO No. 287820

Dated: October 14, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Opposition on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.



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Scott A. Lathrop

Dated: October 14, 2005

CANTON SENIORITY LIST

LOCAL UNION 25 NOVEMBER 2001

1	Prout, R.	11/12/68
2	Burrill, P.	06/30/70
3	McCaffrey, M.	10/07/70
4	Mastropietro, R.	06/14/73
5	Setterland, D.	11/05/73
6	Loud, D.	01/11/74
7	Petit, A.	03/11/74
8	Petit, R.	09/15/75
9	Durette, M.	09/30/75
10	Hoyt, H.	08/17/76
11	Pitts, R.	08/27/76
12	D'Eramo, M.	02/22/77
13	Sullivan, T.	10/24/77
14	Rabideau, R.	01/04/78
15	Kelley, Jr., W.	03/22/78
16	Monahan, H.	11/14/78
17	Petit, Jr., E.	04/23/79
18	Pickering, G.	08/03/81
19	Tisbert, B.	05/17/83
20	Damlano, J.	07/20/83
21	Gwynn, N.	05/14/84
22	Goulet, O.	06/28/84
23	Cardoza, P.	09/24/84
24	Bouffard, R.	09/30/85
25	Coull, D.	04/06/79
26	McGee, R.	05/20/82
27	Francey, G.	10/25/82
28	Cruise, M.	04/30/84
29	Power, K.	11/15/84
30	Fennelly, E.	02/25/85
31	McGrath, H.	08/26/85
32	Bain, S.	03/09/87
33	Holderried, J.	06/08/89
34	Howe, T.	05/16/89
35	Howe, S.	05/31/90
36	Berry, S.	05/31/90
37	Sullivan, C.	12/09/91
38	MacDonald, J.	12/09/91
39	Huibert, M.	12/09/91
40	O'Meara, W.	03/01/93

Ex. 1

02/22/02 FRI 15:28 FAX 7172338023  
02/22/2882 15:18 2826248722TEAMSTERS 778  
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PAGE 81*Teamsters Local 25*  
*International Brotherhood of Teamsters*544 MAIN STREET \* BOSTON, MASSACHUSETTS 02129-1113 - 617-241-8825 - Fax 617-242-4284  
www.teamsterslocal25.comGEORGE W. CASHMAN  
President / Principal OfficerRITCHIE E. BEARDON  
Secretary-TreasurerWILLIAM H. CARNES  
Vice President / Business AgentJOHN A. MURPHY  
Recording Secretary / Business AgentMARK A. HARRINGTON  
Trustee / Business AgentLOU DIAMPAOLO  
Trustee / Director of Organizing /  
Field RepresentativeERNEST C. SHEEHAN JR.  
Trustee / Business AgentVINCENT J. PISACRETA  
Business AgentARTHUR J. LAZZERO  
Business Agent**FAX COVER SHEET**DATE: 2-22-02 TIME: 2:10  
TO: Jean FAX #: 202-624-8722  
FROM: George W. Cash  
NUMBER OF PAGES INCLUDING COVER SHEET: 6IF THERE IS ANY PROBLEM WITH THIS FAX TRANSMITTAL PLEASE  
CALL [Signature]MESSAGE: per request of Eastern Region FRT Dept.  
Attached please find summary list (performance  
list) with the most up to date information  
we have at the present time.  
Any question please call.

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We will only accept deliveries from Union carriers! All other deliveries will be refused!

Ex. 2

D017



**Dracut Seniority List**

NewPenn Terminal Preferences

Number	Name	Seniority Date	Preference 1	Preference 2
117-443-6904 1	McGonigle, H.	05/28/1976	Billerica	
17-667-2122 2	Adams, W.	05/16/1977	Billerica	
<del>17-153863</del> 3	Sullivan, Jr. J. 781 9388639	02/21/1979	Billerica	
508-975-4133 4	Mooney, A.	05/01/1985	Billerica	
508-683-3520 5	Johnson, R.	09/02/1993	Billerica	
08-988-0160 6	Murray, S.	10/02/1993	Billerica	
508-922-40487	Martin, D.	10/23/1993	Billerica	Springfield
508-975-0417 8	Partridge, G.	10/24/1993	Billerica	Springfield
508-468-56259	Lortzio, V.	09/30/1994	Billerica	<del>Springfield</del> Burlington VT.
03-679-8497 10	Thibeault, R.	01/17/1996	Billerica	
03-382-0620 11	Shepard, G.	01/30/1996	Billerica	
03-437-5128 12	Roddy, J.	02/12/1997	Billerica	
178-957-7866 13	Jussame, M.	02/14/1997	Billerica	
03-881-7431 14	Guerette, M.	02/21/1997	Compensation	Workmen
03-898-1351 15	Johnson, C.	10/01/1997	Billerica	Springfield
03-668-0484 16	Cornie, H.	10/07/1997	Billerica	
08-689-1924 17	Racoppi, R.	10/14/1997	Billerica	Springfield
78-663-6794 18	Walukewicz, S.	06/01/1998	Billerica	
03-432-4327 19	Hussey, R.	10/22/1998	Billerica	Springfield
03-647-5432 20	Carney, III, R.	10/23/1998	Billerica	
178-685-2181 21	Michaud, J.	10/26/1998	Billerica	
03-880-8269 22	Babin, M.	10/30/1998	Billerica	
03-444-6895 23	Boynton, E.	12/01/1998	Billerica	Burlington VT.
03-772-5704 24	Small, Jr., C.	09/08/1999	Billerica	
03-429-4436 25	Guimond, N.	10/01/1999	Billerica	
78-632-3105 26	Vaughan, M.	10/04/1999	Billerica	Springfield
03-626-7805 27	Chalfour, P.	10/06/1999	Billerica	
78-486-3013 28	Tucker, J.	10/18/1999	Billerica	Springfield
03-888-4649 29	Dion, R.	10/26/1999	Billerica	
4603-537-1541 30	Arnsault, Jr., R.	08/18/2000	Billerica	
978-685-4916 31	Monasse, Jr., J.	12/22/2000	Billerica	
03-635-2357 32	Levine, J.	09/18/2001	Billerica	

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NAME	ADDRESS	CITY	ST.	ZIP	TELEPHONE	SOCIAL	SEN. DATE	PREF. 1	PREF. 2
1. McGough, III	3 Marilyn Road	Billerica	MA	01821	978-663-6290	017-42-1653	5/28/1976	Billerica	
2. Adams, W.	11 Charles Arms Lane	Billerica	MA	01821	978-667-2122	024-38-3090	5/16/1977	Billerica	
3. Sullivan, Jr. J	29 Harold Avenue	Woburn	MA	01801	781-938-4377	031-32-8352	2/21/1979	Billerica	
4. Mooney, A.	24 Salem Street	Lawrence	MA	01843	978-658-0112	032-62-9902	5/21/1985	Billerica	
5. Johnson, R.	390 Ames Street	Lawrence	MA	01841	508-687-1936	031-48-2893	9/02/1993	Billerica	
6. Murray, S.	6 Cambridge Avenue	Wilmington	MA	01887	978-988-0160	032-48-9468	10/02/1993	Billerica	
7. Martin, D.	8 Riverway Street	Beverly	MA	01905	508-744-0588	033-54-9442	10/23/1993	Billerica	Springfield
8. Pettigrew, G.	36 Amherst Street	Lawrence	MA	01843	508-688-6328	024-50-4485	10/24/1993	Billerica	Springfield
9. Lopez, V.	67 Lincoln Avenue	Hampden	MA	01982	508-668-5625	014-48-0394	9/30/1994	Billerica	Burl, VT
10. Thibault, R.	29 Lyford Lane	Brewster	NH	03833	603-679-2760	003-68-2894	1/17/1996	Billerica	
11. Shepard, G.	PO Box 239	Billerica	NH	03826	603-329-1170	030-58-0954	1/30/1996	Billerica	
12. Roddy, J.	PO Box 136	Hampstead	NH	03841	603-437-5128	026-52-5910	2/12/1997	Billerica	
13. Jusseume, M.	126 Wibleton Xing	Dorset	MA	01826	508-957-7866	022-66-1772	2/14/1997	Billerica	
14. Gervasio, M.	44 Riverside Avenue	Hudson	NH	03051	603-930-8165	001-68-0753	2/21/1997	Worms	Comp.
15. Johnson, C.	22 Baldwin Street	Billerica	NH	03079	603-898-1351	002-54-9837	10/01/1997	Billerica	Springfield
16. Cooney, H.	344 Woodcrest Court	Methuen	NH	03103	603-668-0484	003-34-1503	10/07/1997	Billerica	
17. Macgregor, R.	90 Pullman Street	Methuen	MA	01844	978-689-1924	016-54-4648	10/14/1997	Billerica	Springfield
18. Wadsworth, S.	6 Battery Avenue	Billerica	MA	01821	978-660-4794	032-28-1741	6/01/1998	Billerica	
19. Hasey, R.	29 Linwood Drive	Albany	NH	03809	603-661-9109	023-48-5983	10/22/1998	Billerica	Springfield
20. Conroy, III, R.	16 Woodridge Drive	Albany	NH	03275	603-210-1432	019-62-0292	10/23/1998	Billerica	
21. McIsaac, J.	117 Pleasant Valley Street	Methuen	MA	01844	978-685-2181	004-56-3817	10/26/1998	Billerica	
22. Pabla, M.	1 Hillside Drive	Hudson	NH	03051	603-880-8269	017-60-7884	10/30/1998	Billerica	
23. Boynton, E.	19 Tuck Lane	Littleton	NH	03561	603-444-6895	002-32-6377	12/01/1998	Billerica	Burlington, VT
24. Small, Jr., C.	6 Powder Mill Road	Billerica	NH	03823	603-772-5704	003-58-7029	9/08/1999	Billerica	
25. Guinard, N.	43 Coe Road	Methuen	NH	03054	603-429-4436	003-54-8260	10/01/1999	Billerica	
26. Vaughn, M.	171 Otter River Road	Charter	MA	01440	978-632-3105	026-54-6222	10/04/1999	Billerica	Springfield
27. Chalfour, P.	107 Leida Avenue	Methuen	NH	03103	603-668-0484	001-56-8392	10/05/1999	Billerica	

A.P.P.

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28	Toulas, J.	69 Taylor Street	Littletown	MA	01460	978-486-3011	031-56-8037	10/18/1999	Billerica	Springfield
29	Dion, R.	6 Edwards Avenue	Nashua	NH	03060	603-888-4649	083-40-7187	10/22/1999	Billerica	
30	Arsenault, Jr., R.	63 Scotch Pond Road	Derry	NH	03038	603-537-1541	024-56-5209	8/18/2000	Billerica	
31	Morison, Jr., J.	29 Salem Street	Lewiston	MA	01843	978-258-0112	032-62-9902	12/22/2000	Billerica	
32	Levin, J.	20 Littlefield Circle	Pelham	NH	03076	603-634-2357	030-52-0519	9/18/2001	Billerica	



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1	Paul, R.	68 Spring St.	Brahm	MA	02181	(781) 848-6305	014-20-5140	1/14/02	Rel
2	Burns, P.	8 Gt. Woods Cl.	Norton	MA	02788	(508) 285-9452	018-39-0650	6/30/70	Prov.
3	McCahey, M.	288 Shaw St.	Brahm	MA	02184	(781) 848-8223	028-32-0083	10/7/70	Rel
4	Harnox								
5	MacDermott, R.	218 Forest Hill	Hanson	MA	02311	(781) 847-9655	019-34-5115	6/18/73	Rel
6	Seibenberg, D.	72 Paul Rd.	Harnox	MA	02139	(781) 871-3625	014-36-9885	11/3/73	Rel
7	Levy, D.	560 Bedford St.	Arlington	MA	02061	(781) 874-0416	020-34-8340	1/4/74	Rel
8	Peck, A.	44 Wilson Rd.	Weymouth	MA	02188	(781) 337-3557	034-38-7772	3/11/74	Rel
9	Peck, R.	115 Highland Ave.	Quincy	MA	02169	(781) 471-0006	034-38-9600	8/16/75	Rel
10	Durkin, M.	111 Pond St.	Swains	MA	02777	(508) 674-1663	022-44-2801	9/30/75	Prov.
11	Hoyt, H.	29 Garfield St.	Forbes	MA	02035	(508) 643-2870	026-34-7678	8/11/76	Rel
12	Ellis, R.	1571 Liberty St.	Brahm	MA	02184	(781) 843-1648	033-58-8387	8/27/76	Rel
13	Davino, M.	31 Washington St.	Shelton	MA	01770	(508) 662-6086	018-48-9114	2/22/77	Rel
14	Guffey, Y.	17 Hillside Dr.	Plymouth	MA	02360	(508) 224-6584	018-48-7891	10/24/77	Prov.
15	Rabshaw, R.	P.O. Box 265	Easton	MA	02334	(508) 230-2435	030-30-9487	1/4/78	Prov.
16	Kelley, J., W.	305 Field St.	Brockton	MA	02403	(508) 583-0867	015-40-7158	3/27/78	Rel
17	Monahan, H.	4 Kelly Ln.	Hanson	MA	02341	(781) 826-2751	015-36-5014	1/14/78	Prov.
18	Peck, J., E.	633 King St.	Haverhill	MA	02339	(781) 871-7848	022-44-8082	4/23/78	Rel
19	Pickering, G.	53 Rosalind St.	N. Weymouth	MA	02188	(781) 337-6278	031-40-8988	8/3/81	Rel
20	Thibert, B.	17 Marsh Ave.	Salem	MA	03079	(603) 880-8183	031-44-1842	5/17/83	Rel
21	Daniels, J.	22 Brady Dr.	E. Bridgewater	MA	02333	(508) 378-3792	014-52-3224	7/20/83	Prov.
22	Guyard, N.	283 Central St.	E. Bridgewater	MA	02333	(508) 378-0486	031-48-0257	5/14/84	Prov.
23	Cardozo, P.	604 Maple St.	Mansfield	MA	02048	(508) 339-5134	020-48-9824	8/24/84	Prov.
24	Boutford, R.	20 E. Nelson St.	Brockton	MA	02301	(508) 588-6640	015-54-3361	8/30/85	Rel
25	Good, D.	230 State Rd.	Plymouth	MA	02380	(508) 880-8864	021-38-1210	4/8/87	Rel
26	McGee, R.	437 Commonwealth Rd.	Weymouth	MA	01778	(508) 843-8174	023-32-8804	6/20/88	Rel
27	Finney, G.	324 Flegg St.	Bridgewater	MA	02324	(508) 647-8620	024-48-8404	10/25/82	Prov.
28	Cruse, M.	183 So. Pickens St.	Laverie	MA	02347	(508) 848-0330	028-44-1817	4/30/84	Prov.
29	Power, K.	18 Carver St.	Watertown	MA	02172	(617) 828-6324	020-38-6473	1/15/84	Rel
30	Fennelly, E.	180 Washington St. Unit 604	Prattville	MA	02162	(508) 885-3075	018-42-3810	2/25/85	Prov.
31	McGinnis, H.	1165 Main St.	Wapole	MA	02081	(508) 888-0244	010-38-5912	8/26/85	Prov.
32	Bala, S.	28 Ponds Cl.	Hobbs	MA	02343	(781) 787-8228	031-54-1053	3/8/87	Rel
33	Holterford, J.	138 Church St.	Westwood	MA	02080	(781) 328-3587	022-30-6547	5/8/88	Rel
34	Horn, T.	127 Everett Cl.	Boughton	MA	02072	(781) 344-1804	026-68-9122	5/15/89	Prov.
35	Horn, S.	53 Bradford St.	Strongton	MA	02072	(781) 344-3871	026-62-4762	5/31/90	Prov.
36	Berry, B.	987 Pond St.	So. Weymouth	MA	02190	(781) 336-4217	010-80-3637	6/31/90	Prov.
37	McGinnis, C.	4 Hedy Rd.	Norton	MA	02168	(508) 285-1918	010-88-5107	12/8/91	Rel
38	MacDonald, J.	1 Pabst Path	Forbes	MA	02164	(508) 477-5324	034-38-2217	12/8/91	Prov.
39	Humphreys, M.	4 Flett St.	Mansfield	MA	02348	(508) 339-8545	010-68-1606	12/8/91	Rel
40	O'Malley, W.	75 Chestnut W.	Randolph	MA	02388	(781) 886-6688	022-64-0540	3/1/93	Prov.
41	Forbes, M.	765 Washington St.	Walpole	MA	02081	(508) 688-5435	030-40-0542	8/21/93	Prov.
42	Phinney, J.	36 Brown St.	Fair Haven	MA	02719	(508) 894-5814	018-52-2773	9/8/93	Prov.
43	Fidel, P.	5 Fall Ln.	Canter	MA	02021	(781) 828-3354	027-77-8016	8/8/93	Prov.
44	Lehan, D.	4 South St.	Canter	MA	02021	(781) 828-8585	030-68-7141	9/10/93	Prov.

P.T. 17.

CANTON, 1/1/00





\* CHANGE

EXP. NO.	NAME	ADDRESS	CITY	ST.	ZIP	TELEPHONE	SSN	DATE PRE.
1	CANTON	Prout, R.	58 Spring St.	Braintree	MA	02184	(781) 848-5305	014-30-5149 11/12/68 Ret.
2	CANTON	Burrill, P.	6 Grl. Woods Cl.	Norton	MA	02766	(508) 285-9452	018-38-0650 6/30/70 Prov.
3	CANTON	McCauffrey, M.	29B Shaw St.	Braintree	MA	02184	(781) 848-9223	028-32-0083 10/7/70 Bil.
4	CANTON	Heroux						
5	CANTON	Mastropietro, R.	215 Forest Trail	Hanson	MA	02311	(781) 447-9455	019-34-5115 6/14/73 Ret.
6	CANTON	Setterland, D.	72 Paul Rd.	Hanover	MA	02339	(781) 871-3525	034-36-9685 11/3/73 Bil.
7	CANTON	Loud, D.	560 Bedford St.	Abington	MA	02351	(781) 871-0416	029-34-8316 1/11/74 Ret.
8	CANTON	Petit, A.	11 Hinson Rd.	Weymouth	MA	02188	(781) 337-3557	034-36-7772 3/11/74 Ret.
9	CANTON	Petit, R.	115 Highland Ave.	Quincy	MA	02169	(617) 471-0098	034-38-9600 9/15/75 Bil.
10	CANTON	Durette, M.	111 Pond St	Swansea	MA	02777	(508) 674-7683	022-44-2801 9/30/75 Prov.
11	CANTON	Hoyt, H.	23 Garfield St.	Foxboro	MA	02035	(508) 543-2976	025-34-7578 8/17/76 Ret.
12	CANTON	Ellis, R.	1573 Liberty St.	Braintree	MA	02184	(781) 843-1549	033-58-9397 8/27/76 Ret.
13	CANTON	Deramo, M.	31 Washington St.	Sherborn	MA	01770	(508) 652-6086	018-46-9114 2/22/77 Bil.
14	CANTON	Sullivan, T.	17 Hillside Dr.	Plymouth	MA	02360	(508) 224-5584	019-46-7991 10/24/77 Bil.
15	CANTON	Rabideau, R.	P.O. Box 265	Easton	MA	02334	(508) 230-2436	030-30-9491 1/4/78 Prov.
16	CANTON	Kelley, Jr., W.	306 Field St.	Brockton	MA	02403	(508) 583-0861	015-40-7158 3/27/78 Bil.
17	CANTON	Monahan, H.	4 Kathy Ln.	Hanson	MA	02341	(781) 826-2751	015-36-5014 11/14/78 Prov.
18	CANTON	Petit, Jr., E.	633 King St.	Hanover	MA	02339	(781) 871-7648	022-44-6082 4/23/79 Bil.
19	CANTON	Pickering, G.	53 Rosalind St.	N. Weymouth	MA	02188	(781) 337-6278	031-40-9998 8/3/81 Bil.
20	CANTON	Tisbert, B.	17 Marsh Ave.	Salem	NH	03079	(503) 890-5183	031-44-3942 5/17/83 Bil.
21	CANTON	Damiano, J.	22 Bixby Dr.	E Bridgewater	MA	02333	(508) 378-3792	014-52-3224 7/20/83 Prov.
22	CANTON	Gwynn, N.	283 Central St.	E. Bridgewater	MA	02333	(508) 378-0466	031-46-0257 5/14/84 Prov.
23	CANTON	Cardoza, P.	804 Maple St.	Mansfield	MA	02048	(508) 339-5134	020-48-9624 9/24/84 Prov.
24	CANTON	Bouffard, R.	20 E. Nilsson St.	Brockton	MA	02301	(508) 588-6540	015-54-3381 9/30/85 Bil.

\* AREA OFF.

\* AREA OFF.

EX.3  
D02

25	CANTON	Coull, D	230 State Rd.	Plymouth	MA	02360	(508) 888-6964	021-38-1210	4/6/73	Ret.
26	CANTON	McGee, R.	437 Commonwealth Rd.	Wayland	MA	01778	(508) 653-8174	023-32-9993	5/20/82	Ret.
27	CANTON	Francey, G.	324 Flagg St.	Bridgewater	MA	02324	(508) 697-9620	024-46-6404	10/25/82	Prov.
28	CANTON	Cruise, M.	103 So. Pickens St.	Lakeville	MA	02347	(508) 946-0330	026-44-1817	4/30/84	Prov.
29	CANTON	Power, K.	16 Carver St.	Watertown	MA	02472	(617) 926-5324	020-38-9473	11/15/84	Bill.
30	CANTON	Fennelly, E.	160 Washington St., Unit #68	Plainville	MA	02762	(508) 695-3075	018-42-3810	2/25/85	Prov.
31	CANTON	McGrath, H	1165 Main St.	Walpole	MA	02081	(508) 668-0244	010-38-5912	8/26/85	Prov.
32	CANTON	Bain, S.	28 Poole Cl.	Holbrook	MA	02343	(781) 767-6229	031-54-1053	3/9/87	Bill.
33	CANTON	Holderned, J.	139 Church St.	Westwood	MA	02090	(781) 329-3587	022-30-5547	5/8/89	Bill.
34	CANTON	Howe, T.	127 Everett Cl.	Sloughton	MA	02072	(781) 344-1904	025-56-9122	5/15/89	Prov.
35	CANTON	Howe, S.	53 Bradford St.	Sloughton	MA	02072	(781) 344-3871	026-62-4762	5/31/90	Prov.
36	CANTON	Berry, S	367 Pond St.	So. Weymouth	MA	02190	(781) 335-4217	010-60-3537	5/31/90	Pass
37	CANTON	Sullivan, C.	4 Hadley Rd	Norton	MA	02766	(508) 285-4918	010-56-8107	12/9/91	Bill.
38	CANTON	MacDonald, J.	1 Pebble Path	Forestdale	MA	02644	(508) 477-5324	036-38-2371	12/9/91	Prov.
39	CANTON	Hulbert, M.	4 First St.	Mansfield	MA	02048	(508) 339-8545	010-58-1605	12/9/91	Bill.
40	CANTON	O'Meara, W.	75 Chestnut W.	Randolph	MA	02368	(781) 986-8686	022-64-0540	3/1/93	Prov.
41	CANTON	Fontes, M	755 Washington St.	Walpole	MA	02081	(508) 668-5435	030-40-0342	9/3/93	Prov.
42	CANTON	Pimental, J.	36 Brown St.	Fair Haven	MA	02719	(508) 994-5614	019-52-2773	9/8/93	Prov.
43	CANTON	Friel, P.	5 Fall Ln.	Canton	MA	02021	(781) 828-3354	027-72-9016	9/9/93	Prov.
44	CANTON	Lehan, D.	4 South St.	Canton	MA	02021	(781) 828-6595	030-60-7141	9/10/93	Prov.
45	CANTON	Houde, G.	360 Cedar St.	New Bedford	MA	02740	(508) 996-6028	014-48-9398	9/14/93	Prov.
46	CANTON	Roche, J.	3 Buttercup Ln.	Medway	MA	02053	(508) 533-7249	018-40-0591	9/16/93	Prov.
47	CANTON	Stephen, J.	29 Jessie Ave.	S. Attleboro	MA	02703	(508) 761-6979	264-86-7645	9/17/93	Prov.
48	CANTON	Carvalho, D.	363 Wareham St.	Middleboro	MA	02346	(508) 947-	024-62-2171	9/18/93	Pass

49	CANTON	Carey, P.	19 Grist Mill Ln.	Pembroke	MA	02359	6163 (781) 829-8773	022-46-3185	10/27/93	Prov.
50	CANTON	Creighton, R.	42 Brooke Ter.	Weymouth	MA	02188	(781) 335-8815	034-36-8176	9/1/94	(Prov.)
51	CANTON	Perry, J.	59 Yellowstone Ave.	Warwick	RJ	02886	(401) 463-8145	025-56-3951	9/10/94	Prov.
52	CANTON	Blake, R.	17 Glenfield Rd.	N. Attleboro	MA	02760	(508) 643-2239	033-64-8446	1/13/95	Prov.
53	CANTON	Kearley, M.	30 Carol St.	Acushnet	MA	02743	(508) 763-4960	028-42-0595	4/4/95	Military
54	CANTON	DeSouza, B.	80 McCabe St.	S. Dartmouth	MA	02748	(508) 763-9680	016-68-8510	4/5/95	Prov.
55	CANTON	Osmer, J.	31 Arlington St. Apt. 3	Nashua	NH	03060	(603) 598-2982	029-64-4926	7/24/96	Bil.
56	CANTON	Dolan, J.	19 Willowdean Ave.	W. Roxbury	MA	02132	(617) 323-2026	029-58-5579	7/25/95	Bil.
57	CANTON	Pendleton, J.	1540 Broadway Lot 23	Raynham	MA	02767	(508) 822-7740	027-58-2474	7/8/96	Bil.
58	CANTON	Gilmore, M.	24 Keith Ave.	Brockton	MA	02301	(508) 588-1327	023-62-7312	9/23/96	Prov.
59	CANTON	Parquette, D.	103 Hart St.	Taunton	MA	02780	(508) 823-7150	024-42-6554	9/24/96	Prov.
60	CANTON	Spano, J.	53 W. Chestnut St.	Brockton	MA	02301	(508) 559-0189	012-56-5039	10/1/96	Prov.
61	CANTON	Kelley, Jr., R.	674 Hancock St.	Abington	MA	02351	(781) 982-9328	033-56-3526	3/25/97	Bil.
62	CANTON	Johnson, Jr. R.	186 Wareham St.	Middleboro	MA	02346	(508) 946-1129	023-48-8251	4/15/97	Prov.
63	CANTON	Chomiere, Jr., R	52 Prospect St.	Attleboro	MA	02703	(508) 222-5776	026-54-9388	12/30/98	(Prov.)
64	CANTON	Crawford, H.	4 W. Belcher Rd.	Foxboro	MA	02035	(508) 543-2196	013-30-7278	12/31/98	Ret.
65	CANTON	Clark, D.	7 Garden St.	Randolph	MA	02368	(781) 963-5737	032-30-5866	1/3/99	Ret.
66	CANTON	White, A.	95 Harvard St.	Dedham	MA	02026	(781) 326-4327	011-48-6027	8/26/99	
67	CANTON	Kelleher, T.	239 Winter St.	Brockton	MA	02402	(508) 559-5477	020-60-1827	9/15/99	Prov.
68	CANTON	Winquist, P.	21 Dingley Dell Ln.	Duxbury	MA	02332	(781) 834-5908	003-30-9912	9/17/99	Prov.
69	CANTON	Gould, D.	9 Boxberry Ln.	Rochester	MA	02770	(508) 763-9521	030-50-7782	9/17/99	Prov.
70	CANTON	Morris, T.	24 Lake St.	Rehoboth	MA	02769	(508) 336-6919	037-26-9735	10/28/99	Prov.
71	CANTON	Hamilton, D.	8 Uncatena Rd.	W. Wareham	MA	02576	(508) 295-3979	026-50-3548	11/9/99	Prov.



72	CANTON	Kelley, G.	104 Brentwood Cl.	Plymouth	MA	02360	(508) 224-7012	025-46-1306	12/22/99	Bil.
73	CANTON	Wert, E.	137 Lawrence St.	Brockton	MA	02302	(508) 588-4847	033-66-8661	12/23/99	Prov.
74	CANTON	Palm, W.	89 Lester St.	Brockton	MA	02301	(508) 586-6682	029-64-9293	11/28/00	Prov.
75	CANTON	Zutaut, Jr. B.	365 Grance Pk.	Bridgewater	MA	02324	(508) 284-3796	032-54-667	12/4/00	Bil.

**In The Matter Of:**

*Craig Goulet v.  
New Penn Motor Express, Inc., et al.*

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*William H. Carnes  
Vol. 1, September 8, 2005*

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*Doris O. Wong Associates, Inc.  
Professional Court Reporters  
50 Franklin Street  
Boston, MA 02110  
(617) 426-2432*

*Original File CARNES.V1, 57 Pages  
Min-U-Script® File ID: 2464441295*

**Word Index included with this Min-U-Script®**

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 UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS  
 CRAIG GOULET, :  
 Plaintiff, :  
 vs. : Civil Action  
 : No. 04-12577 JLT

NEW PENN MOTOR EXPRESS, INC.; :  
 and TEAMSTERS LOCAL 25, :  
 INTERNATIONAL BROTHERHOOD OF :  
 TEAMSTERS, :  
 Defendants. :  
 DEPOSITION OF WILLIAM H. CARNES, a witness  
 called on behalf of the Plaintiff, taken pursuant to  
 the Federal Rules of Civil Procedure, before Ken A.  
 DiFraia, Registered Professional Reporter and Notary  
 Public in and for the Commonwealth of Massachusetts,  
 at the Offices of Scott A. Lathrop & Associates,  
 122 Old Ayer Road, Groton, Massachusetts, on  
 Thursday, September 8, 2005, commencing at  
 10:04 a.m.

## PRESENT:

Scott A. Lathrop & Associates  
 (by Scott A. Lathrop, Esq.)  
 122 Old Ayer Road, Groton, MA 01450,  
 for the Plaintiff,  
 Frantz Ward LLP  
 (by Carl H. Gluek, Esq.)  
 2500 Key Center, 127 Public Square,  
 Cleveland, OH 44114-1230, for the Defendant  
 New Penn Motor Express, Inc.  
 (Continued on Next Page)

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WITNESS DIRECT CROSS REDIRECT RECROSS

WILLIAM H. CARNES

BY MR. LATHROP 5

BY MR. GLUEK 49

BY MS. PENNINI 54

## EXHIBITS

NO.	DESCRIPTION	PAGE
1	Agreement between Teamsters National Freight Industry Negotiating Committee and New Penn Motor Express, Inc., dated 2/13/02	12
2	Document to Local 25, among other 16 locals, from Teamsters National Freight Industry Negotiating Committee dated 2/14/02	16
3	Canton seniority list dated 11/01 18	18
4	Summary of tentative agreement between TNFINC and NPME	19
5	Letter to Dan Schmidt from George 20 Cashman dated 2/28/02	20
6	Canton seniority list	20
7	Three-page document, including grievance report	27
8	Letter to Great Members of Teamsters Local 25 from William Carnes dated 4/03	44

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## PROCEEDINGS

- [1] MR. LATHROP: Stipulations?  
 [2] MS. PENNINI: The usual.  
 [3] MR. LATHROP: Reserve all objections,  
 [4] except as to form, and motions to strike until the  
 [5] time of trial. I assume that's the usual.  
 [6] MS. PENNINI: Yes.  
 [7] MR. LATHROP: Are you representing  
 [8] Mr. Carnes, by the way, for the purpose of this  
 [9] deposition?  
 [10] MS. PENNINI: No.  
 [11] MR. LATHROP: Mr. Carnes, after the  
 [12] deposition is over, a transcript will be prepared by  
 [13] this gentleman. You have the right to read it and  
 [14] make any corrections that you deem necessary and  
 [15] then sign it in some form under oath.  
 [16] Do you wish to exercise that right to read  
 [17] and sign it?  
 [18] As an aside, most people do read and sign  
 [19] it. It's your right. The question is always put as  
 [20] to whether or not people want to waive their right  
 [21] to read and sign. Since you are here without  
 [22] counsel, I have to put the question to you as to  
 [23] whether or not you want to read and sign the  
 [24]

Page 2

## PRESENT: (Continued)

Dwyer, Duddy and Facklam, P.C.  
 (by Kathleen A. Pennini, Esq.)  
 Two Center Plaza, Suite 430, Boston, MA  
 02108-1804, for the Defendant Teamsters  
 Local 25, International Brotherhood of  
 Teamsters.  
 ALSO PRESENT: Craig Goulet

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Page

[1] A: No.

[2] Q: Are you familiar with a company called "New

[3] Penn Motor Express"?

[4] A: Yes.

[5] Q: Did you ever have responsibility for New

[6] Penn Motor Express?

[7] A: Yes.

[8] Q: Over what period of time did you have

[9] responsibility for New Penn Motor Express?

[10] A: From 1982 until 2003.

[11] Q: At any point in time, did you hold any

[12] other positions with the Teamsters, other than as a

[13] business agent for Local 25?

[14] A: Yes. I was elected vice president in 1991,

[15] and business agent. I held both positions.

[16] Q: Vice president of Local 25?

[17] A: That's right.

[18] Q: How long did you remain vice president of

[19] Local 25?

[20] A: Until 2003.

[21] Q: Did you hold any other positions with the

[22] Teamsters, whether it be Local 25 or any other

[23] Teamster-related entity?

[24] A: I'm not sure I understand the question.

[1] A: No.

[2] Q: Over what period of time did you serve as a

[3] member of that committee?

[4] A: From around 1992 until around 2000 I guess.

[5] Q: Was that an elected position or an

[6] appointed position?

[7] A: No. It was appointed by the general

[8] president.

[9] Q: When you were secretary to the Southern New

[10] England Committee, was that an elected or appointed

[11] position?

[12] A: Appointed.

[13] Q: By whom?

[14] A: By the joint counsel.

[15] Q: Did you hold any other positions during

[16] your long tenure with the Teamsters?

[17] A: I was a member of the Southern New England

[18] Supplemental Negotiating Committee.

[19] MR. GLUEK: I'm sorry, I didn't hear that.

[20] THE WITNESS: I said I was a member of the

[21] Supplemental Negotiating Committee.

[22] Q: Over what period of time did you serve on

[23] that committee?

[24] A: From 1992 or 1993 until 2003.

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Page 1

[1] Q: For example, are you familiar with an

[2] entity called the "Southern New England Joint Area

[3] Committee"?

[4] A: I am.

[5] Q: Could you describe for the record what that

[6] is.

[7] A: It's a combined panel of employers and

[8] Teamsters that gather together and hear grievances

[9] as a committee, and yes, I was cosecretary on that

[10] committee for four or five years.

[11] Q: Over what period of time was this four to

[12] five years that you were secretary for this

[13] committee?

[14] A: Going backwards to 2003, I was cosecretary

[15] up until 2003, and I really don't recall when I took

[16] over that position, but it was for four or five

[17] years, and it may have been longer.

[18] Q: Did you sit on any other, if I can call it

[19] that, grievance committees other than the Southern

[20] New England Joint Area Committee?

[21] A: Yes. I sat as a member of the panel on the

[22] Eastern Region Joint Area Committee.

[23] Q: Did you hold any title other than member of

[24] the panel?

[1] Q: Are there any other committees you can

[2] recall that you sat on or any other positions you

[3] held during your tenure with the Teamsters?

[4] A: I was the chairman for the Advisory Council

[5] on Workmen's Compensation for the State of

[6] Massachusetts.

[7] Q: Any others?

[8] A: If there are, I don't remember.

[9] Q: The last one, when you were chairman of

[10] this advisory council, from when to when?

[11] A: I would speculate it was from like 2005

[12] until — sorry — 1995 until 2003. There were times

[13] I was the co-chairman. It was something that I went

[14] from management to union back and forth over various

[15] periods of time. It was an appointed position by

[16] the Governor.

[17] Q: I'm going to have some documents marked

[18] now. Then we can talk about them.

[19] (Document marked as Carnes

[20] Exhibit 1 for identification)

[21] Q: Mr. Carnes, I'm showing you what was marked

[22] for your deposition as Exhibit 1. This purports to

[23] be an agreement between the Teamsters National

[24] Freight Industry Negotiating Committee and New Penn



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[1] Q: I didn't hear you clearly.  
 [2] A: Yes, I believe I have seen it.  
 [3] Q: Do you have any understanding as to who  
 [4] prepared Exhibit 6?  
 [5] A: No.  
 [6] Q: I take it you did not prepare Exhibit 6?  
 [7] A: No, I didn't.  
 [8] Q: Are you familiar with the plaintiff in this  
 [9] case, Craig Goulet?  
 [10] A: Yes, I know him.  
 [11] Q: When did you first meet or come to know  
 [12] Mr. Goulet?  
 [13] A: That's a tough one. I really don't recall  
 [14] when we first met, but I have known him for a number  
 [15] of years.  
 [16] Q: How many years, approximately?  
 [17] A: Well, I would say at least probably 12, 13  
 [18] years.  
 [19] Q: Do you recall whether or not Mr. Goulet  
 [20] ever worked for an employer for which you had  
 [21] responsibility as a business agent of Local 25?  
 [22] A: I really don't.  
 [23] Q: At some point in time, did you come to  
 [24] understand that Mr. Goulet wished to be employed or

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[1] be on a call list for New Penn Motor Express?  
 [2] A: Via a telephone call at some point.  
 [3] Q: Let's talk about the telephone call. Was  
 [4] this a telephone call with Mr. Goulet?  
 [5] A: Yes.  
 [6] Q: I assume Mr. Goulet initiated the call?  
 [7] A: That's right.  
 [8] Q: Do you recall approximately when this phone  
 [9] call took place?  
 [10] A: I really don't. You know, I have to admit  
 [11] I'm terrible with time frames. I really am.  
 [12] Q: You need not apologize. We're just  
 [13] inquiring as to what you do recall. That's all I'm  
 [14] asking of you.  
 [15] A: And you will get those answers.  
 [16] Q: Do you recall where you took this phone  
 [17] call?  
 [18] A: I was in my office.  
 [19] Q: For Local 25?  
 [20] A: Right.  
 [21] Q: For the record, where at least were the  
 [22] offices of Local 25 at the time you took this phone  
 [23] call?  
 [24] A: You mean where they were?

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[1] Q: Yes.  
 [2] A: 544 Main Street in Charlestown.  
 [3] Q: What do you recall about this telephone  
 [4] conversation between yourself and Mr. Goulet?  
 [5] A: He was concerned about being called to be  
 [6] put back to work at New Penn. I believe he had been  
 [7] out injured or something of that nature. He was  
 [8] trying to get the case heard, you know, to get  
 [9] himself put back on or — I take that back a step.  
 [10] I represented New Penn. He wanted to know  
 [11] what I could do about it. I believe I called New  
 [12] Penn.  
 [13] Q: Well, let's stop and limit the conversation  
 [14] for the time being to the telephone call between  
 [15] yourself and Mr. Goulet.  
 [16] A: Okay. He was concerned about being put  
 [17] back to work.  
 [18] Q: Had he previously worked in New Penn?  
 [19] A: I don't know.  
 [20] Q: But he was looking to be put to work at New  
 [21] Penn, correct?  
 [22] A: Yes.  
 [23] Q: Do you know if it was pursuant to this  
 [24] agreement between the Teamsters and New Penn and

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[1] former APA employees?  
 [2] A: I believe it was after the agreement.  
 [3] Q: Okay, after the agreement. Do you have any  
 [4] understanding as to whether or not Mr. Goulet was a  
 [5] former APA employee?  
 [6] A: To my knowledge, he was.  
 [7] Q: So this telephone call took place sometime  
 [8] after the agreement between the Teamsters and New  
 [9] Penn?  
 [10] A: That's right.  
 [11] Q: But you are not certain exactly how long  
 [12] after?  
 [13] A: That's right.  
 [14] Q: Do you recall anything else about this  
 [15] telephone call you had between Mr. Goulet and  
 [16] yourself?  
 [17] A: Just the fact that he was concerned about  
 [18] getting back to work. He wanted to exercise his  
 [19] rights.  
 [20] Q: Your understanding of those rights are  
 [21] what?  
 [22] A: The only understanding I had was what they  
 [23] had negotiated between the National Freight Industry  
 [24] Negotiating Committee and New Penn.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12577 JLT

\*\*\*\*\*

CRAIG GOULET,  
Plaintiff

v.

NEW PENN MOTOR EXPRESS, INC., and  
TEAMSTERS LOCAL 25,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS,  
Defendants

\*\*\*\*\*

**PLAINTIFF'S SECOND SET OF INTERROGATORIES**  
**TO DEFENDANT TEAMSTERS LOCAL 25**

The plaintiff Craig Goulet pursuant to Rule 33 of the Rules of Civil Procedure requests answers of the defendant Teamsters Local 25 within 30 days after service of the following interrogatories:

DEFINITIONS

1. BACK-UP TAPES. The term "back-up tapes" means magnetic tape storage or archiving of electronic information ordinarily contained on a computer system.
2. CONCERNING. The term "concerning" means referring to, describing, evidencing, or constituting
3. COMMUNICATION. The term "communication" means the transmittal of information

(in the form of facts, ideas, inquiries, or otherwise.).

4. COMPUTER or COMPUTER EQUIPMENT. The term "computer" or "computer equipment" means all data processing equipment, including but not limited to, central processing units, tape drives, drum and disk storage devices, control units, input devices, and output devices; all unit record equipment, including but not limited to accumulators, calculators, and sorters; all record storage and retrieval equipment, including but not limited to microfilm storage and retrieval apparatus and audio/visual storage and retrieval apparatus.

5. COMPUTER APPLICATION. The term "computer application" means a program that performs a specific task or function, including e-mail messaging, word processing or spread sheets.

6. COMPUTER LOG. The term "computer log" means computer system usage records, such as a listing of electronically stored information and may include title, subject matter or first line of the document information and the date of the document.

7. COMPUTER PROGRAM. The term "computer program" means a set of instructions or steps, usually in symbolic form, that generates machine instructions and tells the computer how to handle a problem or sort information.

8. COMPUTER SYSTEM. The term "computer system" means an assembly of computer operations and procedures, persons, equipment and hardware and software, united by some form of regulated interaction to form an organized whole.

9. COMPUTER SYSTEM MEDIA. The term "computer system media" means the type of material used for storage of electronic information and includes floppy discs, hard drives and magnetic tapes.

10. DOCUMENT. The term "document" is defined to be synonymous in meaning and equal

in scope to the usage of this term in Rule 34 of the Rules of Civil Procedure. A draft or a non-identical copy is a separate document within the meaning of this term.

11. E-MAIL. The term "e-mail" means an electronic messaging application that provides for the receipt and sending of messages among users of a computer system and possibly to and from remote users.

12. IDENTIFY (With Respect to Persons). When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, home telephone number, business telephone number, and, when referring to a natural person, the present or last known place of employment.

13. IDENTIFY (With Respect to Documents). When referring to documents, "to identify" means to give, to the extent known, the

- (a) type of document;
- (b) general subject matter;
- (c) date of the document; and
- (d) author(s), addresses(s), and recipient(s).

14. OPERATING SYSTEM. The term "operating system" means an organized collection of programs for operating a computer, usually part of a software package defined to simplify housekeeping, such as input/output procedures, sort merge generators, etc.

15. PARTIES. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.

16. PERSON. The term "person" is defined as any natural person or any business, legal, or



governmental entity or association.

17. PURGE. The term "purge" means to periodically or randomly delete or take off of the computer system e-mail messages and transfer this information to back-up tapes to restore or make usable computer memory.

18. STATE THE BASIS. When an interrogatory calls upon a party to "state the basis" of or for a particular claim, assertion, allegation, or contention, the party shall:

(a) identify each and every document (and, where pertinent, the section, article, or subparagraph thereof), which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(b) identify each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the interrogatory;

(c) state separately the acts or omissions to act on the party of any person (identifying the acts or omissions to act by stating their nature, time and place and identifying the persons involved) which form any part of the party's information regarding the alleged facts or legal conclusions referred to in the interrogatory; and

(d) state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the interrogatory.

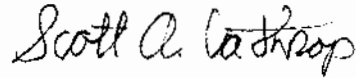
19. USER. The term "user" means a person who has access to a computer or in any manner uses or directs another to use any information stored in or generated by a computer.

INTERROGATORIES

26. Attached as Exhibit 1 hereto is a Dracut Seniority List. With regard to this document, please:
- a. Identify who prepared this Seniority List;
  - b. State when this Seniority List was prepared;
  - c. State the purpose for which this Seniority List was prepared;
  - d. Identify to whom this Seniority List was distributed or provided; and
  - e. Identify the person(s) whose handwriting appears under the Column "Preference 1" and "Preference 2."
27. Attached as Exhibit 2 hereto is a list of Canton employees. With regard to this document, please:
- f. Identify who prepared this document;
  - g. State when this document was prepared;
  - h. State the purpose for which this document was prepared; and
  - i. Identify to whom this document was distributed or provided.

Craig Goulet

By his attorney



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Scott A. Lathrop, Esq.  
Scott A. Lathrop & Associates  
122 Old Ayer Road  
Groton, MA 01450  
(978) 448-8234  
BBO No. 287820

Dated: September 9, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Interrogatories on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.



---

Scott A. Lathrop

Dated: September 9, 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12577 JLT

\*\*\*\*\*

CRAIG GOULET,  
Plaintiff

v.

NEW PENN MOTOR EXPRESS, INC., and  
TEAMSTERS LOCAL 25,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS,  
Defendants

\*\*\*\*\*

**NOTICE OF TAKING DEPOSITION**

Please take notice that at 10:00 a.m. on Thursday, September 29, 2005, at the office of Scott A. Lathrop, 122 Old Ayer Road, Groton, Massachusetts, the attorney for the plaintiff in this action will take the deposition upon oral examination defendant Teamsters Local 25 pursuant to Rule 30(b)(6) before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. This deposition will continue from day to day until completed.

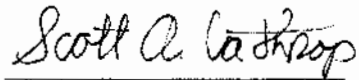
Defendant will be examined on the following matters:

1. The preparation of the document attached hereto as Exhibit 1 (Dracut Seniority List);
2. The preparation of the document attached hereto as Exhibit 2 (Canton employee list).

Defendant is further requested to choose one or more of its proper employees, officers, agents or other persons duly authorized to testify on its behalf.

You are invited to attend and cross-examine.

Craig Goulet  
By his attorney

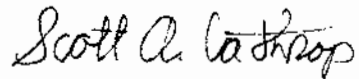


Scott A. Lathrop, Esq.  
Scott A. Lathrop & Associates  
122 Old Ayer Road  
Groton, MA 01450  
(978) 448-8234  
BBO No. 287820

Dated: September 9, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Notice on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.



\_\_\_\_\_  
Scott A. Lathrop

Dated: September 9, 2005

**Scott A. Lathrop**

---

**From:** "Kathianne Pennini" <kap@dwyerdf.com>  
**To:** "Scott A. Lathrop" <slathrop@lathroplawoffices.com>  
**Sent:** Wednesday, September 28, 2005 4:33 PM  
**Subject:** RE: Interrogatories

Dear Attorney Lathrop:

I will be objecting to both the interrogatories and the Rule 30(b)(6) deposition as both being outside the scope of the discovery order, and will seek a protective order concerning these issues. The Rule 30(b)(6) deposition is not among the depositions that are allowed in the order, and I beleive that you would be required to seek leave of court in order to take such a deposition. Furthermore, as I said, I believe that the interrogatories are beyond what was discussed in court.

I will likely be serving you with the motion for the protective order within the next day or so.

Sincerely,  
Kathianne Pennini

-----Original Message-----

**From:** Scott A. Lathrop [mailto:slathrop@lathroplawoffices.com]  
**Sent:** Wednesday, September 28, 2005 4:03 PM  
**To:** Kathianne Pennini  
**Subject:** Interrogatories

Dear Atty. Pennini:

I have received and reviewed your fax of the order of 4/19/05. As indicated, the order states that: "Plaintiff may serve the interrogatories discussed in open court." If you believe that my second set of interrogatories is not in compliance with this order (with which I disagree), you will have to seek a protective order.

And please be advised, the under the Rule 30(b)(6) depositions that I have noticed, you will be required to produce person or persons who is in a position to answer these same questions anyway. So from a practical standpoint, I don't see why you are objecting to the interrogatories. You will have to provide me with is information one way or the other.

Sincerely,

Scott A. Lathrop

Scott A. Lathrop & Associates  
Attorneys at Law  
122 Old Ayer Road  
Groton, MA 01450

Ex. 7

10/8/2005

Tel: (978) 448-8234 Fax: (978) 448-8244

10/8/2005

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**Scott A. Lathrop**

---

**From:** "Kathianne Pennini" <kap@dwyerdf.com>  
**To:** "Scott A. Lathrop" <slathrop@lathroplawoffices.com>  
**Sent:** Wednesday, September 28, 2005 11:55 AM  
**Subject:** RE: Deposition dates

Dear Attorney Lathrop

I think you may have misunderstood my issue. My concern is not that the Plaintiff was allowed to serve interrogatories and the Defendant was not allowed to do so, but rather that the 2nd set of interrogatories went beyond what was agreed to in court. The Defendant agreed to finish the interrogatories that had already been served upon it, and therefore, assented to allow the Plaintiff limited written discovery for one set of interrogatories. However, I do not believe that the Second Set of Interrogatories is permissible, without leave of the Court, under the order or the understanding that was reached during the scheduling conference.

I am currently at a meeting, but will fax you the full order later today.

Sincerely,  
Kathianne Pennini

-----Original Message-----

**From:** Scott A. Lathrop [mailto:slathrop@lathroplawoffices.com]  
**Sent:** Wednesday, September 28, 2005 9:52 AM  
**To:** Kathianne Pennini  
**Subject:** Re: Deposition dates

Dear Atty. Pennini:

If you wish to fax me the full order that you are relying on, that is fine. However, the fairness or unfairness of Judge Tauro's order granting plaintiff the right to serve interrogatories and denying that right to the defendants is an issue that should have been raised by the defendants at the time of the order.

Sincerely,

Scott A. Lathrop

Scott A. Lathrop & Associates  
Attorneys at Law  
122 Old Ayer Road  
Groton, MA 01450  
Tel: (978) 448-8234 Fax: (978) 448-8244

----- Original Message -----

**From:** Kathianne Pennini  
**To:** Scott A. Lathrop  
**Sent:** Wednesday, September 28, 2005 9:01 AM

10/8/2005



**Subject:** RE: Deposition dates

Dear Attorney Lathrop:

I will not get involved in a e-mail battle with you. I will fax you the full notice from the Court if you would like, in which the Court limits the depositions and interrogatories that both sides may take. What I had e-mailed to you was merely what was e-mailed to the parties, but was not the full notice from the Court.

Furthermore, I do not believe that this seals anything against the Local. Rather, the Local had prepared interrogatories for the Plaintiff, but due to the discovery order and the agreement made in open court, did not serve them on the Plaintiff. As such, it is only fair for the Plaintiff to comply by the terms of the discovery order, and therefore, we will be filing a motion for a protective order.

Kathianne Pennini.

-----Original Message-----

**From:** Scott A. Lathrop [mailto:slathrop@lathroplawoffices.com]

**Sent:** Tuesday, September 27, 2005 6:48 PM

**To:** Kathianne Pennini

**Subject:** Re: Deposition dates

Dear Atty. Pennini:

What makes you say that the discovery order bars what you call "additional discovery?" Nothing in this order bars the interrogatories I served on the Local. I believe the Local just wants to avoid providing plaintiff with the requested information because the information will help seal a case against the Local.

Sincerely,

Scott A. Lathrop

Scott A. Lathrop & Associates  
Attorneys at Law  
122 Old Ayer Road  
Groton, MA 01450  
Tel: (978) 448-8234 Fax: (978) 448-8244

----- Original Message -----

**From:** Kathianne Pennini

**To:** Scott A. Lathrop

**Sent:** Tuesday, September 27, 2005 4:57 PM

**Subject:** RE: Deposition dates

Dear Attorney Lathrop

I would like, if possible, to resolve this issue without the need to file a protective order. However, I will do so, if necessary. In the meantime, I have copied the following from the docket report. I stand firm in my belief that the second set of interrogatories were not authorized by the Court. However, if upon review of the docket, you still believe that the discovery order allowed such

10/8/2005

additional discovery, please let me know.

Below please find the text of the discovery order issued by Judge Tauro following the April 2005 scheduling conference.

Judge Joseph L. Tauro : ORDER entered re: DISCOVERY. Plaintiffs may serve the interrogatories discussed in open court. The depositions and interrogatories shall be completed by October 31, 2005. No further discovery will be permitted without leave of this court. A Further Conference is scheduled for November 8, 2005 at 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Abaid, Kim) (Entered: 04/19/2005)

Thank you,  
Kathianne Pennini

-----Original Message-----

**From:** Scott A. Lathrop [mailto:slathrop@lathroplawoffices.com]  
**Sent:** Tuesday, September 27, 2005 4:41 PM  
**To:** Kathianne Pennini  
**Subject:** Re: Deposition dates

Dear Atty. Pennini:

If that is truly your belief and memory, then your proper course of action is to seek a protective order from the judge.

In all honesty I do not recall any unique limitation placed on my by Judge Tauro as to the information I could seek. But if you recall differently, you need to follow the above route.

Sincerely,

Scott A. Lathrop

Scott A. Lathrop & Associates  
Attorneys at Law  
122 Old Ayer Road  
Groton, MA 01450  
Tel: (978) 448-8234 Fax: (978) 448-8244

----- Original Message -----

**From:** Kathianne Pennini  
**To:** Scott A. Lathrop  
**Sent:** Tuesday, September 27, 2005 4:36 PM  
**Subject:** RE: Deposition dates

Dear Attorney Lathrop:

I received your Notice for a Rule 30(b)(6) deposition as well as the Second Set of Interrogatories. I am working to determine who will be the Rule 30(b)(6) deponent.

10/8/2005

However, I think that the second set of interrogatories goes beyond what was discussed at the scheduling conference. I agreed, at this conference, to respond to the interrogatories which you had already sent, and would not send any on behalf of the Defendant as the judge did not think that the parties should engage in any written discovery. As such, it seems to go against the directive of the judge to ask Local 25 to answer an additional set of interrogatories.

Thank you,  
Kathianne Pennini

-----Original Message-----

**From:** Scott A. Lathrop [mailto:slathrop@lathroplawoffices.com]  
**Sent:** Wednesday, September 21, 2005 10:19 AM  
**To:** Kathianne Pennini  
**Cc:** Carl Gluek  
**Subject:** Deposition dates

Dear Atty. Pennini:

At Mr. Carnes' deposition, you indicated that you would get back to us with regard to confirming deposition dates for other depositions that I had noticed. According to my response, I have not heard from you. Please do so now ASAP.

Thank you.

Sincerely,

Scott A. Lathrop

Scott A. Lathrop & Associates  
Attorneys at Law  
122 Old Ayer Road  
Groton, MA 01450  
Tel: (978) 448-8234 Fax: (978) 448-8244

10/8/2005

**Scott A. Lathrop**

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10/8/2005

Tel: (978) 448-8234 Fax: (978) 448-8244

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**To:** Kathianne Pennini

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Thank you.

Sincerely,

Scott A. Lathrop

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10/8/2005